

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In the Matter of the	*	
	*	12 Civil 2505 (LAK)
Complaint of Plaintiffs, McALLISTER	*	
TOWING & TRANSPORTATION CO.,	*	IN ADMIRALTY
INC. as and Owner and McALLISTER	*	
TOWING OF NEW YORK, LLC as	*	
Owner Pro Hac Vice of the Tug PATRICE	*	
McALLISTER for Exoneration from/or	*	
Limitation of Liability	*	
	*	

CONSENT SCHEDULING ORDER

Upon consent of the parties, it is hereby ORDERED as follows:

1. No additional parties may be joined after: May 1, 2013, or 60 days after the USCG/NTSB returns the physical evidence to the parties, whichever is later.
2. No amendments to the pleadings will be permitted after May 1, 2013, or 60 days after the USCG/NTSB returns the physical evidence to the parties, whichever is later.
3. The parties shall make required Rule 26(a)(2) disclosures with respect to:
 - (a) expert witnesses on or before November 29, 2013;
 - (b) rebuttal expert witnesses on or before December 31, 2013.
4. All discovery, including any depositions of experts, shall be completed on or before February 14, 2014.
5. A joint pretrial order in the form prescribed in Judge Kaplan's individual rules shall be filed on or before April 4, 2014 .
6. No motion for summary judgment shall be served after the deadline fixed for submission of the pretrial order. The filing of a motion for summary judgment does not relieve the parties of the obligation to file the pretrial order on time.
7. If any party claims a right to trial by jury, proposed voir dire questions and jury instructions shall be filed with the joint pretrial order.
8. Each party or group of parties aligned in interest shall submit not less than ten (10) days prior to trial (a) a trial brief setting forth a summary of its contentions and dealing with any legal and evidentiary problems anticipated at trial, and (b) any motions in limine.

9. This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the date hereof. Counsel should not assume that extensions will be granted as a matter of routine.

The Parties have sought time longer than 6 months to complete discovery due to the fact that United States Coast Guard and National Transportation Safety Board are investigating the fire on the PATRICE MCALLISTER and death of Matthew J. Hoban. At this time the USCG and NTSB have in its possession all relevant physical evidence. Upon information and belief, the USCG and NTSB's report will be coming out this summer. At the time, hopefully, the parties will be able to obtain the relevant physical evidence. Without that evidence at this time, the ability to conduct full discovery is hindered. The Parties would like to alert the Court that if the report is not published this summer, the parties may request additional time to conduct discovery.

Lewis A. Kaplan
United States District Judge

CONSENTED TO:

Respectfully submitted for the
CLAIMANT, JOHN A. HOBAN AS
ADMINISTRATOR AND PERSONAL
REPRESENTATIVE OF THE ESTATE OF
MATTHEW J. HOBAN,
by his attorneys,

/s/ Carolyn M. Latti
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Respectfully submitted for the
PETITIONER, MCALLISTER TOWING &
TRANSPORTATION CO., INC. and
MCALLISTER TOWING OF NEW YORK, LLC
by its attorneys,

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Respectfully submitted for the
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Respectfully submitted for the
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Dated: February 4, 2013